# IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

#### **BEAUMONT DIVISION**

MELVIN L. MOBLEY, III §

VS. § CIVIL ACTION NO. 1:23-cv-423

TDCJ ADMINISTRATION §

#### MEMORANDUM OPINION AND ORDER

Plaintiff Melvin L. Mobley, III, an inmate confined at the Estelle Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *prose*, filed this civil rights action pursuant to 42 U.S.C. § 1983.

### **Discussion**

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, pursuant to which this case is brought, does not contain a specific provision governing venue. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. When, as in this case, subject-matter jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue over the lawsuit is proper only in the judicial district where the defendants reside or in which the claims arose. Tile 28 U.S.C. § 1406(a) provides that a case filed in the wrong district may be transferred to any district where it could have been brought.

Plaintiff's claims concern events that occurred at the Estelle Unit, which is in Walker County, Texas. Pursuant to 28 U.S.C. § 124, Walker County is located in the Houston Division of the Southern District of Texas. Plaintiff's claims therefore arose in Walker County. Further, it does not appear that Defendants reside in the Eastern District of Texas.

As Plaintiff's claims did not arise in the Eastern District of Texas and Defendants do not reside in the Eastern District, venue is not proper in this court. This case will therefore be transferred to the Houston Division of the Southern District of Texas.

## **ORDER**

For the reasons set forth above, it is **ORDERED** that this civil rights action is **TRANSFERRED** to the Houston Division of the United States District Court for the Southern District of Texas.

SIGNED this the 3rd day of April, 2024.

Christine L Stetson

UNITED STATES MAGISTRATE JUDGE